

Order

Michigan Supreme Court
Lansing, Michigan

October 29, 2015

Robert P. Young, Jr.,
Chief Justice

150645

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150645
COA: 323616
St Joseph CC: 09-015638-FC

ANTHONY JOHN SPRINGER,
Defendant-Appellant.

On the Court's own motion, we VACATE our order of July 28, 2015. On order of the Court, the application for leave to appeal the October 27, 2014 order of the Court of Appeals is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE in part the St. Joseph Circuit Court order of July 24, 2014 denying the defendant's motion for relief from judgment. The issue of entrapment by estoppel was not addressed in the circuit court or by the Court of Appeals in the defendant's appeal of right. Therefore, MCR 6.508(D)(2) does not apply. We REMAND this case to the trial court to hold a hearing on the defendant's ineffective assistance of counsel arguments pertaining to the issue of entrapment by estoppel. We further ORDER the St. Joseph Circuit Court, in accord with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant at the hearing. In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).



d1028

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 29, 2015


Clerk